

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS**

NUANCE COMMUNICATIONS, INC.,

Plaintiff and Counterclaim  
Defendant,

v.

OMILIA NATURAL LANGUAGE  
SOLUTIONS, LTD.,

Defendant and Counterclaim  
Plaintiff.

**Case No. 1:19-cv-11438-PBS**

**NUANCE COMMUNICATIONS, INC.'S MOTION FOR LEAVE TO FILE SUR-REPLY  
IN SUPPORT OF ITS OPPOSITION TO DEFENDANT'S MOTION TO DISMISS  
COUNTS IX-XIII OF THE FIRST AMENDED COMPLAINT**

Pursuant to Local Rule 7.1(b)(3), Plaintiff and Counterclaim Defendant Nuance Communications, Inc. (“Nuance”) requests leave to file a sur-reply memorandum in support of its opposition to Defendant and Counterclaim Plaintiff Omilia Natural Language Solutions, Ltd.’s (“Omilia”) Motion to Dismiss Counts IX-XIII of the First Amended Complaint (Dkt. No. 120). Nuance’s proposed sur-reply is attached as **Exhibit A**.

Nuance requests leave to submit a sur-reply to address what Omilia believes are erroneous arguments of facts and law in Omilia’s reply (Dkt. No. 153) in support of Omilia’s motion to dismiss. Omilia continues to fail to credit as true the allegations in the First Amended Complaint; has misconstrued other allegations in the First Amended Complaint, by failing to credit reasonable inferences in Nuance’s favor; has failed to address certain of Nuance’s arguments, and has relied on incorrect legal standards. *See generally* Exhibit A. Allowing Nuance to submit the proposed sur-reply will allow the Court to have a full and correct record in considering Nuance’s opposition to Omilia’s motion to dismiss.

Counsel for the parties conferred regarding the motion for leave. Omilia does not oppose Nuance’s motion for leave to file a sur-reply.

Accordingly, Nuance respectfully request leave to file the attached sur-reply memorandum.

Date: August 5, 2020

Respectfully submitted,

/s/ Christian E. Mammen

**WOMBLE BOND DICKINSON (US) LLP**

David Greenbaum (*admitted pro hac vice*)  
**Nuance Communications, Inc.**  
1111 Macarthur Boulevard  
Mahwah, NJ 07430  
(857) 214-5524  
david.greenbaum@nuance.com

Jennifer Itzkoff (MA BBO No. 675694)  
**WOMBLE BOND DICKINSON (US) LLP**  
Independence Wharf  
470 Atlantic Avenue, Suite 600  
Boston, MA 02110  
Telephone: (857) 287-3142  
Jennifer.Itzkoff@wbd-us.com

Christian E. Mammen (*admitted pro hac vice*)  
Carrie Richey (*admitted pro hac vice*)  
**WOMBLE BOND DICKINSON (US) LLP**  
1841 Page Mill Road, Suite 200  
Palo Alto, CA 94304  
Telephone: (408) 341-3067  
Chris.Mammen@wbd-us.com  
Telephone: (408) 341-3060  
Carrie.Richey@wbd-us.com

Christine H. Dupriest (*admitted pro hac vice*)  
**WOMBLE BOND DICKINSON (US) LLP**  
271 17th Street, Suite 2400  
Atlanta, Georgia 30363  
Telephone: (404) 962-7538  
Christine.Dupriest@wbd-us.com

Kristin Lamb (*admitted pro hac vice*)  
**WOMBLE BOND DICKINSON (US) LLP**  
811 Main Street, Suite 3130  
Houston, TX 77002  
Telephone: (346) 998-7843  
Kristin.Lamb@wbd-us.com

*Attorneys for Plaintiff Nuance Communications, Inc.*

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I hereby certify that on August 5, 2020, counsel for Nuance and Omilia conferred in good faith about this motion, but were unable to resolve or narrow the issues raised in this motion. Omilia states that it does not oppose Nuance's motion for leave to file a sur-reply, but reserves the right to seek leave to file a response to the sur-reply.

/s/ Christian E. Mammen

Christian E. Mammen

**CERTIFICATE OF SERVICE**

I hereby certify that this document and all its supporting materials will be filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 5, 2020.

/s/ Christian E. Mammen

Christian E. Mammen